

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**AMORY INVESTMENTS LLC,**

**Plaintiff,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

**Case No. 22-cv-01506-JRT-JFD**

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**ASSOCIATED GROCERS, INC., ET AL.,**

**Plaintiffs,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

**Case No. 22-cv-01561-JRT-JFD**

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**CHENEY BROTHERS, INC.,**

**Plaintiff,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

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**Case No. 22-cv-01505-JRT-JFD**

**GIANT EAGLE, INC.,**

**Plaintiff,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

**Case No. 22-cv-01724-JRT-JFD**

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**SUBWAY PROTEIN LITIGATION CORP.,  
AS LITIGATION TRUSTEE OF THE  
SUBWAY PROTEIN LITIGATION  
TRUST,**

**Plaintiff,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

**Case No. 22-cv-01504-JRT-JFD**

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**SYSCO CORPORATION,**

**Plaintiff,**

**v.**

**CARGILL, INC., ET AL.,**

**Defendants.**

**Case No. 22-cv-01750-JRT-JFD**

**STIPULATION FOR EXTENSION OF TIME  
TO FILE ANSWERS**

Defendants Cargill Meat Solutions Corporation; Cargill, Inc.; JBS Packerland, Inc.;  
JBS S.A.; JBS USA Food Company; National Beef Packing Company, LLC; Swift Beef

Company; Tyson Foods, Inc.; and Tyson Fresh Meats, Inc. (collectively “Defendants”) and Plaintiffs Amory Investments LLC; Associated Grocers, Inc., *et al.*<sup>1</sup>; Cheney Brothers, Inc.; Giant Eagle, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway Protein Litigation Trust (“Subway Protein Litigation Corp.”); and Sysco Corporation (collectively “Plaintiffs,” and, together with Defendants, the “Parties”), by and through the undersigned counsel, hereby respectfully submit this Stipulation for an extension of Defendants’ time to file answers in response to Plaintiffs’ Complaints. Having met and conferred, the Parties agree that Defendants should be allowed additional time, up to and including September 1, 2022, to file answers in response to the Complaints. The Parties submit that this deadline should be extended for good cause, in the interests of judicial efficiency and conservation of judicial resources. The Parties stipulate as follows:

1. Plaintiff Cheney Brothers, Inc. filed its suit in the United States District Court for the Southern District of Florida (Case No. 9:22-cv-80153) on January 31, 2022.
2. Plaintiff Subway Protein Litigation Corp. filed its suit in the United States District Court for the District of Connecticut (Case No. 3:22-cv-00289) on February 22, 2022.

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<sup>1</sup> Additional Plaintiffs include Action Meat Distributors, Inc.; Affiliated Foods, Inc.; Alex Lee, Inc.; Associated Food Stores, Inc.; Big Y Foods, Inc.; Brookshire Brothers, Inc.; Brookshire Grocery Company; Colorado Boxed Beef Co.; Prefco Distribution, LLC; The Golub Corporation; Nicholas & Co., Inc.; PFD Enterprises, Inc.; Springfield Grocer Company; The Distribution Group, Inc.; Topco Associates, LLC; Troyer Foods, Inc.; Unipro FoodService, Inc.; and URM Stores, Inc. (collectively, the “Associated Grocers Plaintiffs”).

3. Plaintiff Amory Investments LLC filed its suit in the United States District Court for the Northern District of New York (Case No. 3:22-cv-00222) on March 8, 2022.

4. The Associated Grocers Plaintiffs filed their suit in the United States District Court for the Northern District of Illinois (Case No. 1:22-cv-02525) on May 12, 2022.

5. Plaintiff Giant Eagle, Inc. filed its suit in the United States District Court for the Northern District of Illinois (Case No. 1:22-cv-02992) on June 8, 2022.

6. Plaintiff Sysco Corporation filed its suit in the United States District Court for the Southern District of Texas, Houston Division (Case No. 4:22-cv-02049) on June 24, 2022.

7. In addition to these six actions (the “Transferred Cases”), Defendants are also parties to a consolidated/coordinated action pending in the United States District Court for the District of Minnesota, captioned *In re: Cattle and Beef Antitrust Litigation*, Case No. 0:20-cv-01319. The Stipulation only applies to the Parties in these six Transferred Cases.

8. Pursuant to 28 U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation determined that the Transferred Cases involved common questions of fact with the consolidated action in the District of Minnesota and that centralization of the cases in the District of Minnesota would promote efficiency. *See* MDL Case No. 0:22-md-03031, ECF 1 (Certified Copy of Transfer Order); ECF 5, 7, 9 (Conditional Transfer Orders).

9. The Transferred Cases have now been transferred to this Court.

10. In a June 17, 2022, case management conference in *In re: Cattle and Beef Antitrust Litigation*, this Court has indicated that a consolidation order addressing the Transferred Cases is forthcoming. Plaintiffs will soon be submitting to the Court their

views about a case management order for their cases recently transferred to the Court. Plaintiffs and Defendants will meet and confer with the goal of submitting a joint report to the Court setting forth their respective views regarding the need for a modified case management order for the Transferred Cases.

11. Presently, Defendants have varying dates to respond to the Complaints. To the extent not already stipulated between the Parties, by entry of this Stipulation, Defendants, other than JBS S.A. discussed further below, agree to accept service of the Complaints in the Transferred Actions and the Complaints are each deemed served on each Defendant.

12. Good cause exists to provide Defendants additional time to answer Plaintiffs' Complaints. The Parties have acted with diligence with respect to this matter, and neither Party will be prejudiced by the requested extension.

13. Defendant JBS S.A., has neither been served nor waived service in the Transferred Cases. Accordingly, Plaintiffs and JBS S.A. separately stipulate and agree as follows:

- (a) Plaintiffs and JBS S.A. have agreed that JBS S.A. is subject to this Court's prior order [Doc. No. 238] allowing alternative service on JBS S.A. in *In re Cattle Antitrust Litigation*, Case No. 20-cv-1319 (JRT) and other consolidated and coordinated actions;
- (b) JBS S.A. does not want to burden the Court by relitigating issues addressed by the Court's order allowing alternative service on JBS S.A.;
- (c) JBS S.A. wishes to preserve its rights to appeal, at a later stage of the litigation, the order allowing alternative service on JBS S.A.;

- (d) Given that Plaintiffs' Complaints were previously served on counsel for JBS S.A. via e-mail, JBS S.A. stipulates and agrees that Plaintiffs' Complaints are deemed served by e-mail pursuant to this Court's prior order allowing alternative service on JBS S.A. [Doc. No. 238];
- (e) Plaintiffs agree that the Court's prior order [Doc. No. 238] allowing alternative service on JBS S.A. applies in their cases and that, Plaintiffs shall not argue that by entering into this Stipulation, JBS S.A. has waived or failed to preserve any rights it may have to appeal that order.

14. Accordingly, in the interests of efficient management of this litigation, the Parties jointly request that the Court order the following: On or before August 8, 2022, Plaintiffs shall designate one of the complaints in the Transferred Cases which Defendants must answer; Defendants shall each file an answer to that designated complaint on or before September 1, 2022 without prejudice to Plaintiffs' position that answers should be filed in response to all remaining Complaints. The Parties shall continue to meet and confer pertaining to the deadlines for filing Defendants' answers to the remaining Complaints, subject to the Court's guidance.

Dated: August 4, 2022

Respectfully Submitted,

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